

From: Robert Pyke [<mailto:bobpyke@attglobal.net>]
Sent: Saturday, April 16, 2011 2:22 PM
To: Isenberg, Phil@DeltaCouncil
Subject: follow-up to my previous e-mail

Phil,

This is a kinder, gentler follow-up to my message following your bust-up with Tom Zuckerman prompted by your bust-up with the water buffaloes yesterday. Without wanting to get sidetracked by the question of whether or not W.C. 85020 (d) “promote statewide water conservation, water use efficiency, and sustainable water use” means what it says or something-else, I want to re-iterate that the basic problem is that there was no plan in the second staff draft of the Delta Plan, and, more specifically, it did not address 85020 (f) “improve the water conveyance system and expand statewide water storage”. Although the Contractors and the Delta interests differ on the speed with which these things need to be addressed, no-one is happy with the current situation. Parenthetically I note that you were way out of line when you said that Pete Kutras wants nothing to be done – I know for instance that Mary Piepho and Contra Costa County actively want to help solve statewide problems, just not at the expense of the Delta and Delta residents. But it is your failure to come to grips with the core issues that has virtually everyone frustrated, and hiding behind the skirts of the lawyers at this point is ridiculous. I only learnt recently that Jerry Meral was involved in the drafting of the 2009 legislation but, regardless of what his intentions were at the time or any other nods and winks that accompanied the final language, the timeline envisioned by the legislation is completely shot at this point. As I said in my comments at the EIR scoping meeting in Stockton, and in my comments on the first staff draft, the perhaps infinite delay in the completion of BDCP gives you an opportunity to enunciate the basic policies with which BDCP or any other conveyance / ecosystem restoration project must comply. You are obliged to do that by the 2009 legislation, regardless of whether SFCWA, or CH2MHill, or any other party like it. And that brings me to my main point – that there is something wrong with the process that you have been following thus far.

As suggested by others, you run the Council meetings like a legislative hearing. That’s perfectly understandable, but you are not writing legislation, you are supposed to be creating a plan for better functioning Delta. That is more like an engineering project than a political project. When running a planning or engineering project you can’t sit back and summon people to appear before you – you have to go out and talk to the relevant people. Based on my own experience as a facilitator on large engineering projects, it is most effective to actually go meet with people in their own offices, on their own turf. That is real outreach. That is real stakeholder involvement. Lining up speakers for a panel at short notice is a charade, it is not public outreach. What I am suggesting is what the staff and the prime consultant should have been doing from day one, instead of just cutting and pasting previous reports to compile white papers that were filled with errors, some of which were carried forward into the second staff draft. But, with the notable exception of Joe Grindstaff, that is all the staff and the prime consultant are good for. As far as I know there is nothing in their history that would suggest the ability to come up with solutions to intractable problems. When, in my immediate past life, I

suggested to the staff that we should actually meet with BDCP personnel in addition to reading what was posted on the BDCP web site, they were initially horrified, but that is the approach that was needed at that time and it still is. You don't necessarily need to replace your existing staff and prime consultant – they can still do the editing – but you need to supplement them with one or more facilitators who are willing and able to talk to all the stakeholders, establish the points that everyone pretty much agrees on, and bring the unresolved issues to the Council for decision. I believe that Joe is attempting to do some of that but he needs additional support and direction. Having SFCWA, ACWA and NCWA come in and meet with staff is a step in the right direction but there are many other people that you should also talk to. The Bureau of Reclamation, for instance. Have you read Sue Fry's comments on the second staff draft. Reading between the lines, it says you have not talked to us and you don't know what you are doing!

I should note that between my comments on the first staff draft and Tom Zuckerman's Ten Big Ideas, we have already suggested a pretty good, if incomplete, Delta Plan. But I am not saying adopt these ideas or else. I am saying there are good ideas out there and you need to be talking with people about them, establishing as much consensus as you can, and converging on a plan, rather than cutting and pasting older, erroneous reports and recycling old arguments ad nauseum. There is no hope of doing this by the end of May – apart from anything else you will not have critical input from the Delta Economic Sustainability Plan by then – but it can be done by the end of the year if you start now.

As always, I would be happy to stop by and discuss any or all of this with you.

Regards,

Bob

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